

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 13, 2006
Date


Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Philip E. Thorpe and Rolf A. Brekken

Serial No.: 10/738,404

Filing Date: December 17, 2003

For: SELECTIVE ANTI-VEGF ANTIBODY
PRODRUG METHODS (As Amended)

Group Art Unit: 1642

Examiner: Joyce, C.

Atty. Dkt. No.: 3999.002587


**SUBMISSION OF EARLIER DECLARATION INTO
CONTINUATION; COPY OF THORPE AND BREKKEN KATZ DECLARATION**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:


Applicants respectfully submit the attached Declaration for formal consideration in the above-referenced application. The attached Declaration was submitted in the parent of the present application, to which priority is claimed.

Respectfully submitted,
PEREGRINE PHARMACEUTICALS, INC.
Customer No. 000052101


Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Agent for Applicants

5353 W. Alabama, Suite 306
Houston, Texas, 77056
(713) 439 0108

Date: September 13, 2006

CERTIFICATE OF MAILING 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
January 15, 2002 Date	 Shelley P.M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip E. Thorpe and Rolf A. Brekken

Group Art Unit: 1642

Serial No.: 09/561,005

Examiner: Bansal, G.

Filed: April 28, 2000

Atty. Dkt. No.: 3999.002585

For: ANTIBODY CONJUGATE METHODS
FOR SELECTIVELY INHIBITING VEGF

**DECLARATION OF PHILIP E. THORPE AND
ROLF A. BREKKEN IN ACCORDANCE WITH *IN RE KATZ***

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

WE, PHILIP E. THORPE AND ROLF A. BREKKEN, HEREBY DECLARE AS FOLLOWS:

1. We are the sole co-inventors of the subject matter disclosed and claimed in the captioned patent application.
2. We are listed with Xianming Huang and Steven W. King as co-authors of an article entitled " Vascular Endothelial Growth Factor as a Marker of Tumor Endothelium," published as *Cancer Research.*, 58(9):1952-1959, 1998.

3. Neither Xianming Huang nor Steven W. King made an inventive contribution to any of the subject matter claimed in the captioned patent application.
4. In regard to the information published in the foregoing *Cancer Research* article, the contribution of Xianming Huang was to clone, express and refold soluble VEGF and to prepare soluble Flk-1 for use as biological reagents in the studies. At about the time studies were conducted and published, Xianming Huang was employed in the laboratory of Dr. Thorpe at The University of Texas Southwestern Medical Center, Dallas, Texas. In performing any duties pertaining to the 2C3 antibody information published in the *Cancer Research* article, Xianming Huang worked entirely under our direction and control.
5. In regard to the information published in the foregoing *Cancer Research* article, the contribution of Steven W. King was to prepare the hybridoma producing the GV39 antibody, studied as one of the panel of antibodies in this article. In preparing the hybridoma producing the GV39 antibody, Steven W. King was employed in the laboratory of Dr. Thorpe at The University of Texas Southwestern Medical Center, Dallas, Texas. At about the time these studies were published, Steven W. King was employed at Techniclone Corporation, Tustin, California, the licensee of the captioned application. In performing any duties pertaining to the 2C3 antibody information published in the *Cancer Research* article, Steven W. King worked entirely under our direction and control.
6. The subject matter of the invention claimed in the captioned patent application is our invention, and neither Xianming Huang nor Steven W. King are co-inventors of any of the claimed subject matter.

7. We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Philip E. Thorpe

Philip E. Thorpe

12-29-01

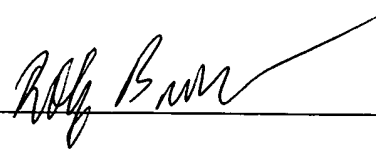
Date:

Rolf A. Brekken

Date:

7. We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Philip E. Thorpe



Rolf A. Brekken

Date:



Date: